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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

STATE OF CALIFORNIA, STATE OF
 COLORADO, STATE OF DELAWARE,
 COMMONWEALTH OF
 MASSACHUSETTS, STATE OF NEW
 JERSEY, STATE OF NEW MEXICO,
 STATE OF NEW YORK, STATE OF
 OREGON, STATE OF RHODE ISLAND,
 STATE OF VERMONT, and STATE OF
 WASHINGTON,

Plaintiffs,

v.

UNITED STATES OF AMERICA, U.S.
 ENVIRONMENTAL PROTECTION
 AGENCY, LEE ZELDIN, in his official
 capacity as Administrator of the U.S.
 Environmental Protection Agency, and
 DONALD J. TRUMP, in his official capacity
 as President of the United States,

Defendants.

No. 4:25-cv-04966-HSG

**NOTICE OF UNOPPOSED MOTION
 AND UNOPPOSED MOTION OF
 AMERICAN FREE ENTERPRISE
 CHAMBER OF COMMERCE, STATE
 CORN GROWERS ASSOCIATIONS,
 NATIONAL CORN GROWERS
 ASSOCIATION, AMERICAN FUEL &
 PETROCHEMICAL MANUFACTURERS,
 AMERICAN PETROLEUM INSTITUTE,
 AND NATIONAL ASSOCIATION OF
 CONVENIENCE STORES FOR LEAVE
 TO FILE BRIEF AS AMICI CURIAE IN
 SUPPORT OF DEFENDANTS' MOTION
 TO DISMISS**

Date: February 19, 2026

Time: 2:00 p.m.

Courtroom: 2, 4th Floor Oakland Courthouse

Judge: Hon. Haywood S. Gilliam, Jr.

1 **NOTICE OF UNOPPOSED MOTION AND UNOPPOSED MOTION**

2 PLEASE TAKE NOTICE that on February 19, 2026 at 2:00 p.m., or as soon thereafter as the
 3 matter may be heard in Courtroom 2 (4th Floor) of the above-named Court (Hon. Haywood S.
 4 Gilliam, Jr. presiding), located at 1301 Clay Street, Oakland, California 94612, American Free
 5 Enterprise Chamber of Commerce, Illinois Corn Growers Association, Indiana Corn Growers
 6 Association, Iowa Corn Growers Association, Kansas Corn Growers Association, Kentucky Corn
 7 Growers Association, Michigan Corn Growers Association, Missouri Corn Growers Association,
 8 Nebraska Corn Growers Association, Tennessee Corn Growers Association, Texas Corn
 9 Producers, Wisconsin Corn Growers Association, National Corn Growers Association, American
 10 Fuel & Petrochemical Manufacturers, American Petroleum Institute, and National Association of
 11 Convenience Stores (“Movants”) will, and hereby do, move for leave to file the attached amicus
 12 curiae brief in support of Defendants’ motion to dismiss Plaintiffs’ amended complaint. Plaintiffs
 13 and Defendants consent to the motion.

14 **MEMORANDUM OF POINTS AND AUTHORITIES**

15 **STATEMENT OF INTEREST**

16 Plaintiffs California and ten other States filed this suit, alleging that three federal laws that
 17 invalidated waivers of Clean Air Act preemption issued by the U.S. Environmental Protection
 18 Agency (“EPA”) are unconstitutional or were otherwise unlawfully enacted. *See* Compl., ECF
 19 No. 1; Am. Compl., ECF No. 157. The waivers relate to three California programs regulating
 20 emission standards for new motor vehicles that, expressly or in effect, force manufacturers to phase
 21 out sales of new internal combustion engine vehicles and mandate sales of electric vehicles.
 22 Because Congress legislatively repealed these waivers, all three programs are now expressly
 23 preempted by the Clean Air Act, and Plaintiffs cannot “adopt or attempt to enforce” them. 42
 24 U.S.C. § 7543(a). Despite this unambiguous statutory command, California and the other Plaintiff
 25 States have pressed ahead, keeping their rules on the books and threatening to enforce them.
 26 Movants are associations whose members are harmed by the California programs and who moved
 27 to intervene in this case to defend their interests in ensuring that the programs are blocked. *See*
 28 ECF Nos. 49, 61. This Court denied intervention, but extended the deadline for moving to file an

1 amicus brief to December 12, 2025. ECF No. 182. Movants disagree with the denials and reserve
2 their rights to appeal them, but nonetheless move to file an amicus brief to aid the Court in its
3 consideration of Defendants' pending motion to dismiss, ECF No. 172.

4 Movants have a substantial interest in ensuring that the federal laws that block enforcement of
5 California's programs remain in effect. Movant American Free Enterprise Chamber of Commerce
6 ("AmFree") is a membership association that represents entrepreneurs and businesses across all
7 sectors and states. AmFree's members are vitally interested in maintaining free, fair, and open
8 markets, and AmFree serves its members by fighting against burdensome regulations and special-
9 interest policies that threaten these markets and, consequently, threaten our nation's economic
10 prosperity. AmFree's members include producers of ethanol—the second-largest component of
11 automobile gasoline by volume—and businesses that operate, sell, or lease vehicles subject to the
12 California programs. These members are harmed by the decreased demand for gasoline and
13 increased transportation costs caused by the programs' electric-vehicle mandates.

14 Movants Illinois Corn Growers Association, Indiana Corn Growers Association, Iowa Corn
15 Growers Association, Kansas Corn Growers Association, Kentucky Corn Growers Association,
16 Michigan Corn Growers Association, Missouri Corn Growers Association, Nebraska Corn
17 Growers Association, Tennessee Corn Growers Association, Texas Corn Producers, Wisconsin
18 Corn Growers Association, and National Corn Growers Association represent farmers throughout
19 their states and the nation who grow and sell corn crops, including for ethanol production. Their
20 members, too, are harmed by the reduced demand for automobile gasoline and ethanol caused by
21 California's programs. Because ethanol is a primary use of U.S.-grown corn, lower ethanol
22 production leads to lower corn prices, even harming those members who sell corn for other uses.

23 Movant American Fuel & Petrochemical Manufacturers ("AFPM") is a national trade
24 association representing nearly all U.S. refining and petrochemical manufacturing capacity. AFPM
25 members support more than three million quality jobs, contribute to our economic and national
26 security, and enable the production of thousands of vital products used by families and businesses
27 throughout the United States. California's attempt to revive its electric-vehicle mandates harms
28 AFPM's membership because, among other things, it threatens to reduce liquid fuel sales.

1 Movant American Petroleum Institute (“API”) is a national trade association representing all
 2 segments of America’s oil and natural gas industry. API’s nearly 600 members support more than
 3 11.3 million jobs and produce, process, and distribute most of our nation’s energy. API was formed
 4 in 1919 as a standards-setting organization. In its over 100 years, API has developed more than 800
 5 standards to enhance operational and environmental safety, efficiency, and sustainability. API
 6 works to support a strong, viable American oil and natural gas industry and therefore has a keen
 7 interest in this litigation. California’s attempt to revive its electric-vehicle mandates harms API
 8 membership because, among other things, it threatens to reduce liquid fuel sales.

9 Movant National Association of Convenience Stores (“NACS”) is an international trade
 10 association that represents both the convenience and fuel retailing industries with more than 1,300
 11 retail and 1,600 supplier company members. The U.S. convenience industry has more than
 12 152,000 stores across the country, employs 2.74 million people, and had more than \$837.4 billion
 13 in sales in 2024 (\$501.9 billion of which were fuel sales). California’s attempt to revive its electric-
 14 vehicle mandates harms NACS’s membership because, among other things, it threatens to reduce
 15 sales and undermine settled business expectations.

16 ARGUMENT

17 “It is well-settled that a trial court may, in the exercise of its discretion, permit the filing of an
 18 amicus curiae brief.” *California v. Bureau of Land Mgmt.*, 612 F. Supp. 3d 925, 951 n.15 (N.D. Cal.
 19 2020) (Gilliam, J.) (quoting *Warehouse Rest., Inc. v. Customs House Rest., Inc.*, 1982 WL 63800, at
 20 *1 (N.D. Cal. Oct. 4, 1982)). Courts generally permit amicus participation with “‘great
 21 liberality,’” as long as that participation “is useful or otherwise desirable to the court.” *California*
 22 *by and through Becerra v. U.S. Dep’t of the Interior*, 381 F. Supp. 3d 1153, 1164 (N.D. Cal. 2019).
 23 Movants respectfully submit that their participation as amici will provide the Court with
 24 information from Movants’ expertise on these topics as well as the interests of large industries
 25 directly affected by the issues in this case. This Court should therefore permit filing of the attached
 26 amicus brief.

27 Movants have substantial expertise in the subject matter of this case. Movants and their
 28 members have long and actively opposed California’s and similar programs, including through

1 regulatory and political engagement and through litigation. *See, e.g.*, Ill. Corn Growers Ass’n et al.,
2 *Comment on Application for a Clean Air Act Waiver*, EPA-HQ-OAR-2023-0292-0185 (Feb. 27,
3 2024), <https://perma.cc/K5KX-28KD> (ACC II); *Am. Free Enter. Chamber of Com. v. EPA*, No. 25-
4 106 (9th Cir.) (petition for review of Advanced Clean Cars II waiver); *API v. EPA*, No. 25-1478
5 (9th Cir.) (same); *AFPM v. EPA*, No. No. 25-1493 (9th Cir.) (same); *Am. Free Enter. Chamber of*
6 *Com. v. EPA*, No. 25-89 (9th Cir.) (petition for review of Low NO_x Omnibus Program waiver);
7 *AFPM v. EPA*, No. 25-1480 (9th Cir.) (same); *Am. Free Enter. Chamber of Com. v. Cliff*, No. 2:24-
8 cv-988 (E.D. Cal.) (challenging California’s Advanced Clean Fleets program). Through these and
9 other efforts Movants have substantial expertise in the Clean Air Act, the CRA, constitutional law,
10 and administrative law that may aid this Court in its resolution of this case. For example, Movants’
11 brief explains why, under Ninth Circuit precedent, the waivers are properly considered “rules” of
12 “general applicability” subject to the CRA—the determination that underlies Plaintiffs’ entire
13 challenge. Movants’ brief also addresses issues of jurisdiction, separation of powers, and
14 federalism that are critical to resolution of this case. Movants respectfully submit that the “unique
15 information [and] perspective” provided in their brief may “help the court beyond the help that
16 the lawyers for the parties are able to provide.” *NGV Gaming, Ltd. v. Upstream Point Molate, LLC*,
17 355 F. Supp. 2d 1061, 1067 (N.D. Cal. 2005) (citation omitted).

18 CONCLUSION

19 For the foregoing reasons, this Court should grant this unopposed motion.
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Dated: December 12, 2025

Respectfully submitted,

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 Association, Kentucky Corn Growers Association,
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 Corn Growers Association, Nebraska Corn
 Growers Association, Tennessee Corn Growers
 Association, Texas Corn Producers, Wisconsin
 Corn Growers Association, and National Corn
 Growers Association*

* Admitted pro hac vice.

CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2025, I served a copy of the foregoing document via CM/ECF to all parties.

Dated: December 12, 2025

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